



"Making a Difference"

2-1

COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING
STAFF REPORT

PLANNING COMMISSION

MEETING DATE May 12, 2005	CONTACT/PHONE Brian Pedrotti (805)788-2788	APPLICANT Caroline Sejera	FILE NO. G030009M
SUBJECT Request by Caroline Sejera for 1) an amendment to the South County (Inland) Area Plan of the Land Use Element by changing the land use category on an approximately 1.5-acre portion of a 30-acre parcel from Agriculture to Residential Rural, 2) an amendment to the Agriculture and Open Space Element land use map by changing the land use designation from Agriculture to Large Lot Rural, and 3) an amendment to Title 22, Section 22.112.020F to add planning area standards relative to future divisions. The site is located on the east side of Highway 101, approximately 1,400 feet north of the Los Berros/Thompson Road highway interchange. The site is in the South County (Inland) planning area.			
RECOMMENDED ACTION Recommend to the Board of Supervisors: 1. Adoption of the Negative Declaration in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et seq. 2. Approval of this general plan amendment as shown in the attached Exhibits G030009M:A, B and C based on the recommended findings contained in this report.			
ENVIRONMENTAL DETERMINATION The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Mitigated Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) has been issued on April 7, 2005 for this project. Mitigation measures are proposed to address aesthetics, agriculture, biological resources, cultural resources, hazards/hazardous materials, noise, public services/utilities, transportation, wastewater, water and land use and future development will be subject to these mitigation measures.			
LAND USE CATEGORY Agriculture	COMBINING DESIGNATION None	ASSESSOR PARCEL NUMBER 090-042-017	SUPERVISOR DISTRICT(S) ① ② ③ ④ ⑤ All
PLANNING AREA STANDARDS: 22.112.040 Areawide standards – County and Residential Rural			
EXISTING USES: Undeveloped			
SURROUNDING LAND USE CATEGORIES AND USES: <i>North:</i> Row crop production (Agriculture) <i>East:</i> Residences (Residential Rural) <i>South:</i> Highway 101 (Residential Rural) <i>West:</i> Residences (Agriculture)			
OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: Public Works, Environmental Health, Agriculture Commissioner, APCD, CDF, County Parks and Recreation, CalTrans, Nipomo Community Service District, Nipomo Community Advisory Council			
TOPOGRAPHY: Gently sloping to steeply sloping		VEGETATION: Oak woodland, forbs	
PROPOSED SERVICES: Water supply: On-site well Sewage Disposal: Individual on-site septic system Fire Protection: California Department of Forestry		AUTHORIZATION DATE: January 27, 2004	

ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT:
COUNTY GOVERNMENT CENTER □ SAN LUIS OBISPO □ CALIFORNIA 93408 □ (805) 781-5600 □ FAX: (805) 781-1242

2-7

PROJECT HISTORY

On January 27, 2004, the Board of Supervisors authorized the processing of the applicant's request to 1) amend the South County Area Plan of the Land Use Element by changing the land use on an approximately 1.5-acre portion of a 30-acre parcel from Agriculture to Residential Rural; and 2) amend the Agriculture and Open Space Element land use map from Agriculture to Large Lot Rural. The site is located on the east side of Highway 101, approximately 1,400 feet north of the Los Berros/Thompson Road highway interchange. The purpose of the request is to allow the site to be subdivided into residential parcels.

Proposed Area Plan Standards

To be consistent with the allowable uses in the immediate area and address development concerns, planning area standards will be included as part of the general plan/ordinance amendment. (Exhibit G030009M:B). These standards address reports and design issues that are required at the time of land division application submittal.

AUTHORITY

Land Use Element Amendment

The Land Use Element sets forth the authority by which the General Plan can be amended. The following factors should be considered by the Commission and the Board in making their decision, pursuant to the Land Use Element:

- a. ***Necessity.*** Relationship to other existing LUE policies, including the guidelines for land use category amendments in Chapter 6 (see Exhibit D), to determine if those policies make the proposed amendment unnecessary or inappropriate.
- b. ***Timing.*** Whether the proposed change is unnecessary or premature in relation to the inventory of similarly designated land, the amount and nature of similar requests, and the timing of projected growth.
- c. ***Vicinity.*** Relationship of the site to the surrounding area to determine if the area of the proposed change should be expanded or reduced in order to consider surrounding physical conditions. These may include resource availability, environmental constraints, and carrying capacity for the area in the evaluation.

Staff Comments - Land Use Element Amendment

The proposed amendment meets these guidelines as set forth in the Land Use Element as the proposed map change is consistent with Guidelines for Land Use Category Amendments, which include: consistency with the existing goals and policies in the general plan, consistency with the applicable purpose and character statements, compatibility with the character of the general area, convenient access to a road system in the area that is adequate to accommodate the traffic generated, whether the site is suitable for on-site sewage disposal and has an adequate groundwater supply, protection of prime agricultural soils, and if the change is needed to provide a sufficient supply of land for the population of the community or area.

Goals of the Land Use Element

Applicable general goals of the Land Use Element include: encourage an urban environment that is an orderly arrangement of building, structures and open space appropriate to the size and scale of development for each community; the identification and

23

maintenance of important agricultural, natural and other rural areas between cities and communities; and encourage the protection of agricultural land for the production of food, fiber and other agricultural commodities.

Changing the site from Agriculture to Residential Rural will not conflict with the general goals of the general plan. This amendment would not remove land from existing or potential agricultural production because the amendment would change only that small portion of the site not already within the Residential Rural land use category. Soils on the property could support a variety of crops on the more level areas; however, this area is small and adjacent to planned residential development.

Existing Agriculture and Open Space Element Policies

The Agriculture and Open Space Element contains policies on conversion of agricultural lands to non-agricultural uses. The policy discourages the conversion of agricultural land through establishment of urban reserve lines that protect agricultural land and stabilize agriculture at the urban fringe; avoiding the redesignation of land that would create new rural residential development outside of the urban reserve line; and avoiding the location of new public facilities outside of urban reserve lines unless they serve a rural function or there is no alternative location.

In addition, implementation criteria for the conversion policies of the Agriculture and Open Space Element include, but are not limited to, consideration of protection of agricultural land where the land is proposed for conversion in the following priority order: row crop, terrain and soils, specialty crops and forage lands, dry farm lands, and rangelands.

The agricultural capability of land is determined through criteria listed under Agricultural Policy 24 of the Agriculture and Open Space Element. Overall, the site does not fall within these criteria. The project site would meet the soil criteria for an Agriculture designation, however, because of the limited amount of Class II soil and existing parcel configuration, the project site would appear to have restricted feasibility as agriculturally productive land.

There are findings in the Agriculture and Open Space Element for conversion of Agriculture land to non-agriculture designation. The findings are to be made based on a site-specific evaluation. A detailed site evaluation has been completed and the site would meet most of the findings. They are:

1. The land does not meet the criteria for inclusion in the Agriculture designation in this plan or the Land Use Element. *Response: It appears the primary reason for the Agriculture and Open Space Element designation within the Agriculture category is the existence of a small amount of Class II soil. However, because of the limited amount of the soil, the site appears to have restricted feasibility as agriculturally productive land.*
2. Agriculture production is not feasible due to some physical constraint or surrounding incompatible land uses. *Response: The small amount of Class II soil limits the feasibility of the portion of the site designated Agriculture as productive land.*
3. Adjacent lands are already substantially developed with uses that are incompatible with agricultural uses. *Response: The property to the east and west of the site is currently being developed with residences in the Residential Rural land use category.*

2-4

4. Conversion to non-agricultural uses shall not adversely affect existing or potential agricultural production on surrounding lands that will remain designated Agriculture.
Response: Future development of the site requires an agricultural buffer of between 200 – 500 feet to protect the existing agricultural uses to the north.

Impacts to adjacent agricultural lands could result from the proposed general plan amendment. Agricultural Policy 17: Agricultural Buffers, promotes the protection of land in the Agricultural designation using buffers. There is significant existing irrigated row crop production adjacent to the project site. Buffer ranges for irrigated row crops range from 200 to 500 feet.

Purpose and Character Statements

The statements of purpose and character in the Framework for Planning, Part I of the Land Use Element of the general plan, are to be used as criteria for evaluating whether a General Plan amendment is appropriate for a specific site (See Exhibit E). These statements identify suitable features or conditions for the location, extent and timing of designating a land use category.

Residential Rural. The purpose statements for the Residential Rural land use category include: to provide for residential development at a low density compatible with a rural character and is compatible with surrounding agricultural uses; to allow limited compatible non-residential uses; to emphasize residential uses in areas where agriculture is clearly a secondary use and agriculture is not feasible; and to encourage agricultural and other open space uses as incidental.

The character of Residential Rural land is described as being: areas of existing small-acreage parcels that are not commercially viable for agriculture, where the average parcel size within any contiguous area is below 19 acres; areas outside urban and village areas; slopes generally less than 30 percent; marginal agricultural soils; rural landscape high in visual quality; areas free of fragile natural resources; and areas where growth will not be premature or conflict with agriculture and light agricultural uses are encouraged.

The site generally meets the purpose and character statements relating to rural character. The purpose and character statements indicate Residential Rural designated lands should be on lands where agriculture is not commercially viable and development would not conflict with surrounding agricultural activities.

Agriculture. The purpose statements for the Agriculture land use category include: to recognize and retain commercial agriculture as a desirable land use, to designate areas where rural residential uses that are not related to agriculture would find agricultural activities a nuisance, or be incompatible, to protect the agricultural basis of the county economy and encourage the open space values of agriculture to continue agricultural uses, to support conversion of agricultural lands to other uses only when such conversion would be appropriate or because the continuing agricultural productivity of a specific site is infeasible, and to give high priority to the protection of commercial and nonprime agricultural soils where the commercial viability, siting, and natural resources allow for agricultural uses.

The character of Agriculture land is described as being: areas of prime agricultural soils and other productive and potentially productive lands, areas for agricultural processing, areas

2-5

where existing land uses are mainly truck crops, specialty crops, row and field crops, irrigated crops and pasture, irrigated vineyards and orchards, dry farm orchards and vineyards, dry farm and grain, and grazing, and areas where parcel sizes and ownership patterns are sufficiently large to make agricultural operations economically viable.

The site meets the purpose and character statements relating to agricultural uses. The purpose and character statements indicate Agriculture designated lands should be preserved and protected on lands where agriculture is commercially viable and could be converted to residential uses only when such conversion would be appropriate given the infeasibility of agriculture. The limited amount of Class II soil and the existing parcel configuration restrict the commercial viability of the property.

Land Use Ordinance Amendment

The Land Use Element sets forth the authority by which the Land Use Ordinance can be amended. The following factors shall be considered pursuant to the Land Use Element:

Guidelines for Amendments to Land Use Ordinance

The Land Use Ordinance guides new development so as to be in character with its surroundings and to maintain amenities for living. These principles implement the general goals of the Land Use Element that are stated in Chapter 1.

Development of new or amended Land Use Ordinance standards should be guided by the following principles for implementation of the general plan goals:

1. *All developments should be designed with maximum consideration of the characteristics of project sites and their surroundings:*
 - a. *To enhance and achieve full use of special site potentials such as natural terrain, views, vegetation, natural waterways or other features;*
 - b. *To respect and mitigate (or avoid) special site constraints such as climatic conditions, noise, flooding, slope stability, significant vegetation or ecologically sensitive surroundings:*
 - c. *To be compatible with present and potential adjacent land uses within the context of the area's urban, suburban or rural character.*
2. *Designs for proposed residential uses should include:*
 - a. *Provisions for privacy and usable open space;*
 - b. *Orientation and design features to shelter from prevailing winds and adverse weather, while enabling use of natural light, ventilation and shade.*
3. *All developments should be designed to provide safe vehicular and pedestrian movement, adequate parking for residents, guests, employees and emergency vehicles.*

2-6

Staff Comments – Land Use Ordinance Amendment

The proposed amendment also meets the guidelines as set forth in the Land Use Element for ordinance amendments. The project will take full advantage and provide maximum consideration of the project site characteristics in that the future subdivisions on the property will incorporate additional information including biological studies, noise studies, and agricultural buffers, and it is in an area that is primarily within the residential land use categories and surrounded by scattered residences.

COMMUNITY ADVISORY GROUP COMMENTS: The project was referred to the Nipomo Community Advisory Council (NCAC). The NCAC recommended approval.

AGENCY REVIEW:

Agricultural Commissioner

The application was referred to the Agricultural Commissioner for review. Their evaluation concluded that implementation of the proposed General Plan Amendment and future subdivision and residential development of the site would not result in incompatibility with adjacent agricultural uses. The Negative Declaration for the project includes mitigation measures for implementation of agricultural buffers, as well as Right-to-Farm disclosure requirements.

Attachments

G020008M:A	Map Amendment
G020008M:B	Planning Area Standards (Ordinance Amendment)
G020008M:C	Ag and Open Space Map Amendment
Exhibit D:	Guidelines for Land Use Category Amendments
Exhibit E:	Purpose and Character Statements – Rural Residential
Exhibit F:	Vicinity Map
Exhibit G:	Negative Declaration in accordance with CEQA
Exhibit H:	Agricultural Commissioner's Comments

2-7

FINDINGS

Environmental Determination

- A. The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Mitigated Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) has been issued on April 7, 2005 for this project.

Amendments

- B. The proposed amendments to the Land Use Element and Land Use Ordinance change the land use category from Agriculture to Residential Rural and set standards protect water resources, ensure mitigation of noise impacts, and protect impacts of adjacent agricultural uses through agricultural buffers.
- C. The proposed amendment is consistent with the Land Use Element and other adopted elements of the general plan because the change is consistent with the general goals of the Land Use Element and the applicable policies of the Agriculture and Open Space Element.
- D. The proposed amendment is consistent with the guidelines for amendments to land use categories and the guidelines for amendments to the Land Use Ordinance because the proposal will allow the development to be designed with maximum consideration of the characteristics of the project site and their surrounding, will respect and mitigate (or avoid) special site constraints, is compatible with present and potential adjacent land uses within the context of the area's rural character, and provides for privacy, usable open space and safe vehicular movement.
- E. The proposed amendment will protect the public health, safety and welfare of the area residents by allowing for development that is compatible with the existing development of the surrounding area.

2-8

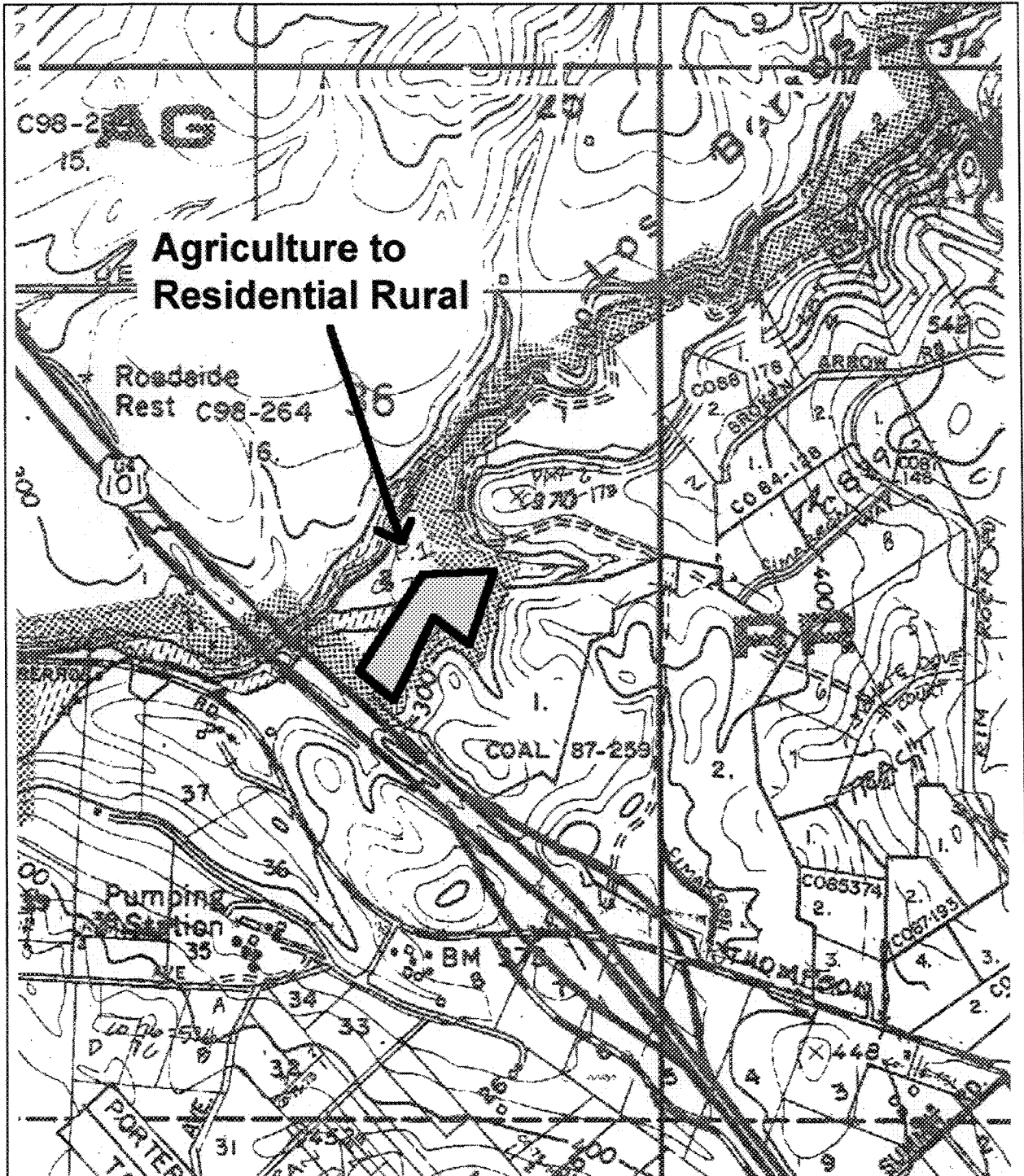


EXHIBIT G030009M:A

INITIATING A PRECISE LAND USE DESIGNATION
AS SHOWN ON OFFICIAL LAND USE CATEGORY
MAP ON FILE IN THE DEPT. OF PLANNING AND
BUILDING

CHANGE FROM AG TO RR

SEJERA
GENERAL PLAN AMENDMENT

2-9

EXHIBIT G030009M:B

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE 22 OF THE
SAN LUIS OBISPO COUNTY CODE, THE LAND USE ORDINANCE
SECTION 22.112.040G RELATING TO THE SEJERA PROPERTY

The Board of Supervisors of the County of San Luis Obispo ordains as follows:

SECTION 1. Section 22.112.040F of the Land Use Ordinance, Title 22 of the San Luis Obispo County Code, is hereby amended by adding new subsection 13 to read as follows and renumbering all figures as necessary:

13. Sejera Property. The following standards apply only to land shown in Figure 112-36 at the northeast corner of the intersection of Willow Road and Guadalupe Road.

a. Application submittal. At the time of land division application, the applicant shall submit the following information and incorporate the following design standards into the proposed project, in addition to the areawide standards set forth in Subsection F.1:

- 1. At the time of land division application,** the applicant shall clearly delineate the building control lines on the project plans. The building control lines shall be located outside of the 60 dbA or less areas. All new residential development shall be located within the building control lines.
- 2. At the time of land division application,** the applicant shall submit architectural elevations of all proposed structures to the Department of Planning and Building for review and approval in consultation with the Environmental Coordinator. The elevations shall show exterior finish materials, colors, and height above the existing natural ground surface. Colors shall minimize the structure massing of new development by reducing the contrast between the proposed development and the surrounding environment. Colors shall be compatible with the natural colors of the surrounding environment, including vegetation, rock outcrops, etc.. Darker, non-reflective, earth tone colors shall be selected for walls, chimneys etc. and darker green, grey, slate blue, or brown colors for the roof structures. All structures shall have a maximum building height of 25 feet above natural grade.
- 3. The design of the proposed land division shall incorporate agriculture buffers within a range of 200 to 500 feet and site design consistent with the County's Agriculture and Open Space Element. Future subdivision**

2-10

applications shall be referred to the County Department of Agriculture for review and recommendation of the specific agriculture buffer required.

4. At the time of land division application, soil borings at each proposed leach line location showing adequate separation, or if inadequate separation, plans for an engineered wastewater system shall be submitted.

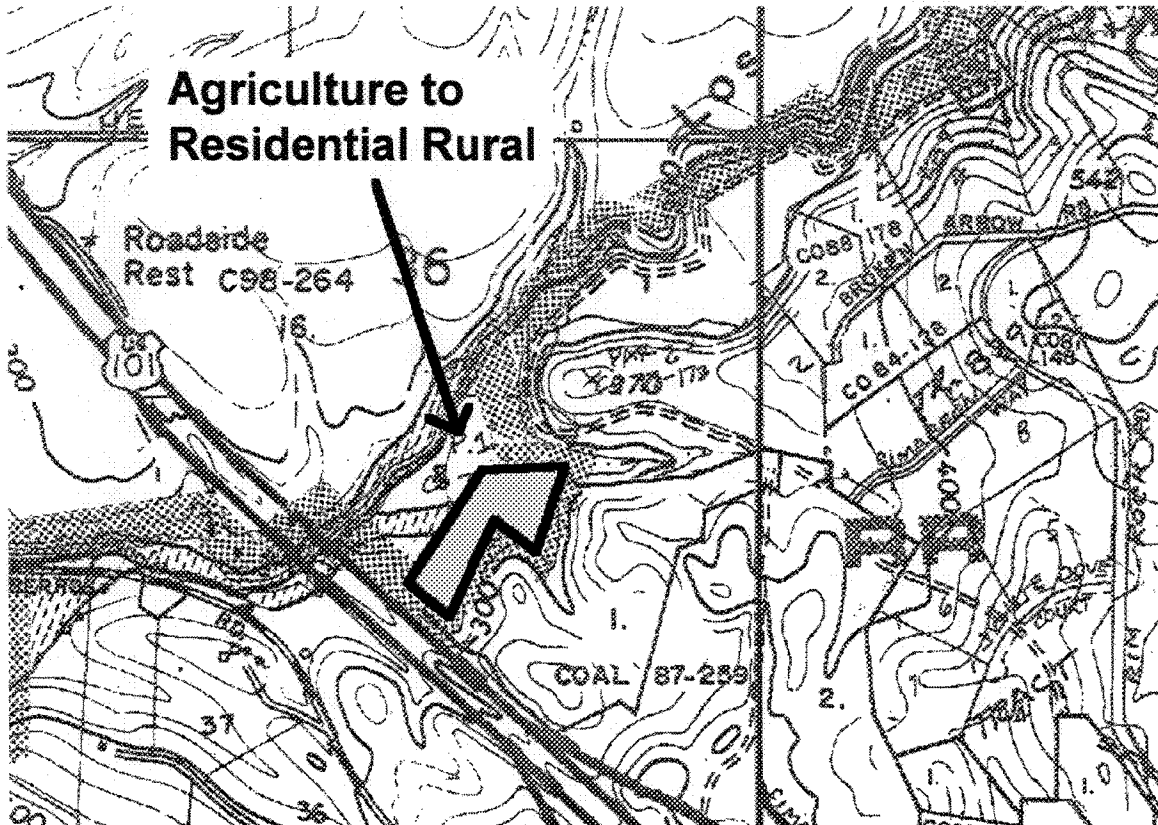


Figure 112-36 - RR – North of Los Berros/Thompson Interchange

SECTION 2. That the Board of Supervisors has considered the initial study prepared and conducted with respect to the matter described above. The Board of Supervisors has, as a result of its consideration, and the evidence presented at the hearings on said matter, determined that the proposed negative declaration as heretofore prepared and filed as a result of the said initial study, is appropriate, and has been prepared and is hereby approved in accordance with the California Environmental Quality Act and the County's regulations implementing said Act. The Board of Supervisors, in adopting this ordinance, has taken into account and reviewed and considered the information contained in the negative declaration approved for this project and all comments that were received during the public hearing process. On the basis of the Initial Study and any comments received, there is no substantial evidence that the adoption of this ordinance will have a significant effect on the environment.

SECTION 3. If any section, subsection, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of a court of competent

2-11

jurisdiction, such decision shall not affect the validity or constitutionality of the remaining portion of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and each section, subsection, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions be declared invalid or unconstitutional.

SECTION 4. This ordinance shall take effect and be in full force on and after 30 days from the date of its passage hereof. Before the expiration of 15 days after the adoption of this ordinance, it shall be published once in a newspaper of general circulation published in the County of San Luis Obispo, State of California, together with the names of the members of the Board of Supervisors voting for and against the ordinance.

INTRODUCED at a regular meeting of the Board of Supervisors held on the day of _____, 2004, and PASSED AND ADOPTED by the Board of Supervisors of the County of San Luis Obispo, State of California, on the _____ day of _____, 2004, by the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAINING:

Chairman of the Board of Supervisors,
County of San Luis Obispo,
State of California

ATTEST:

County Clerk and Ex-Officio Clerk of the Board of Supervisors
County of San Luis Obispo, State of California

[SEAL]

ORDINANCE CODE PROVISIONS APPROVED
AS TO FORM AND CODIFICATION:

JAMES B. LINDHOLM, JR.
County Counsel

By: _____
Deputy County Counsel

Dated: _____

SITE



CHANGE FROM:
AGRICULTURE TO LARGE LOT RURAL

**SEJERA
GENERAL PLAN AMENDMENT**

EXHIBIT D

**GUIDELINES FOR LAND USE CATEGORY AMENDMENTS
FRAMEWORK FOR PLANNING - PART I OF THE LAND USE ELEMENT**

1. Existing planning policies. Whether the proposed land use category is consistent with the following:
 - a. Applicable policies in the various elements of the General Plan (Land Use, Open Space, Conservation, Circulation, Housing, Safety, Noise);
 - b. The general goals in Chapter 1 of Framework for Planning (Part I of the Land Use Element);
 - c. The purpose and character statements for land use categories in Section B, description of land use categories;
 - d. Uses listed in Table 2.2, list of allowable uses; and
 - e. The text, standards and maps of the area plans (Part II of the Land Use Element).
2. Area character. Whether the proposed land use category is compatible with allowed land uses in surrounding land use categories. Whether the potential types of development resulting from a proposed amendment would adversely affect the existing or planned appearance of the countryside, neighborhood and style of development in the surrounding area.
3. Environmental impacts. The proposed amendment should not enable development that would cause potential significant adverse environmental impacts as determined through an environmental determination prepared by the Office of the Environmental Coordinator, unless such impacts can be adequately mitigated or a statement of overriding considerations can be adopted in accordance with the California Environmental Quality Act.
4. Accessibility/circulation. Whether the site of the proposed amendment is located with convenient access to a road system in the vicinity that is adequate to accommodate the traffic generated by the type and intensity of development allowed by the amendment.
5. Soils classification. Whether the proposed amendment gives consideration to protecting prime agricultural soils (SCS Class I and II, irrigated) for potential agricultural use. Proposals in other soil classifications should be reviewed together with other site features to determine if the proposed amendment could unnecessarily limit, reduce or eliminate potentially viable agricultural uses.
6. Slope and other terrain characteristics. Whether site terrain would be predominantly retained in its existing configuration by development enabled by the proposed amendment? Whether development resulting from the proposed amendment would retain the overall contour of a site such that more intensive development occurs on flatter land and low-density development is accommodated by steeper terrain.

7. **Vegetation.** Whether the proposed amendment enables development that would retain significant vegetation such as oak woodlands or other mature tree forests and native plant communities that provide wildlife habitat or include rare and endangered plant or animal species.
8. **Hazards.** Whether the proposed amendment has been evaluated with respect to potential building limitations due to flood, fire or geologic hazards, so that subsequent development will be feasible in relation to the uses allowed by the proposed amendment.
9. **Existing parcel size and ownership patterns.** Whether the proposed amendment enables development of a type and scale consistent with surrounding parcel sizes and ownership patterns.
10. **Availability of public services and facilities.** Whether the proposed amendment is located in an area with demonstrated availability of needed public services and facilities and, where applicable, whether it is suitable for on-site sewage disposal and has an adequate groundwater supply. To the extent that proposed amendments will create a demand for services, amendments in the urban and village areas should demonstrate that services for water supply, sewerage, streets, public safety, schools and parks are planned to be available within the horizon year of the applicable area plan, or a capital improvement program is in effect to provide for any such services that are currently deficient, or such services and facilities will be provided as a result of approved development following the amendment.
11. **Land inventory.** Whether the amendment, with the uses it would allow, is needed to provide a sufficient supply of land for the population of the community or area that is projected within planned resources, services and facilities.

2.15

EXHIBIT E

**PURPOSE AND CHARACTER STATEMENTS
FRAMEWORK FOR PLANNING - PART I OF THE LAND USE ELEMENT
RURAL RESIDENTIAL LAND USE CATEGORY**

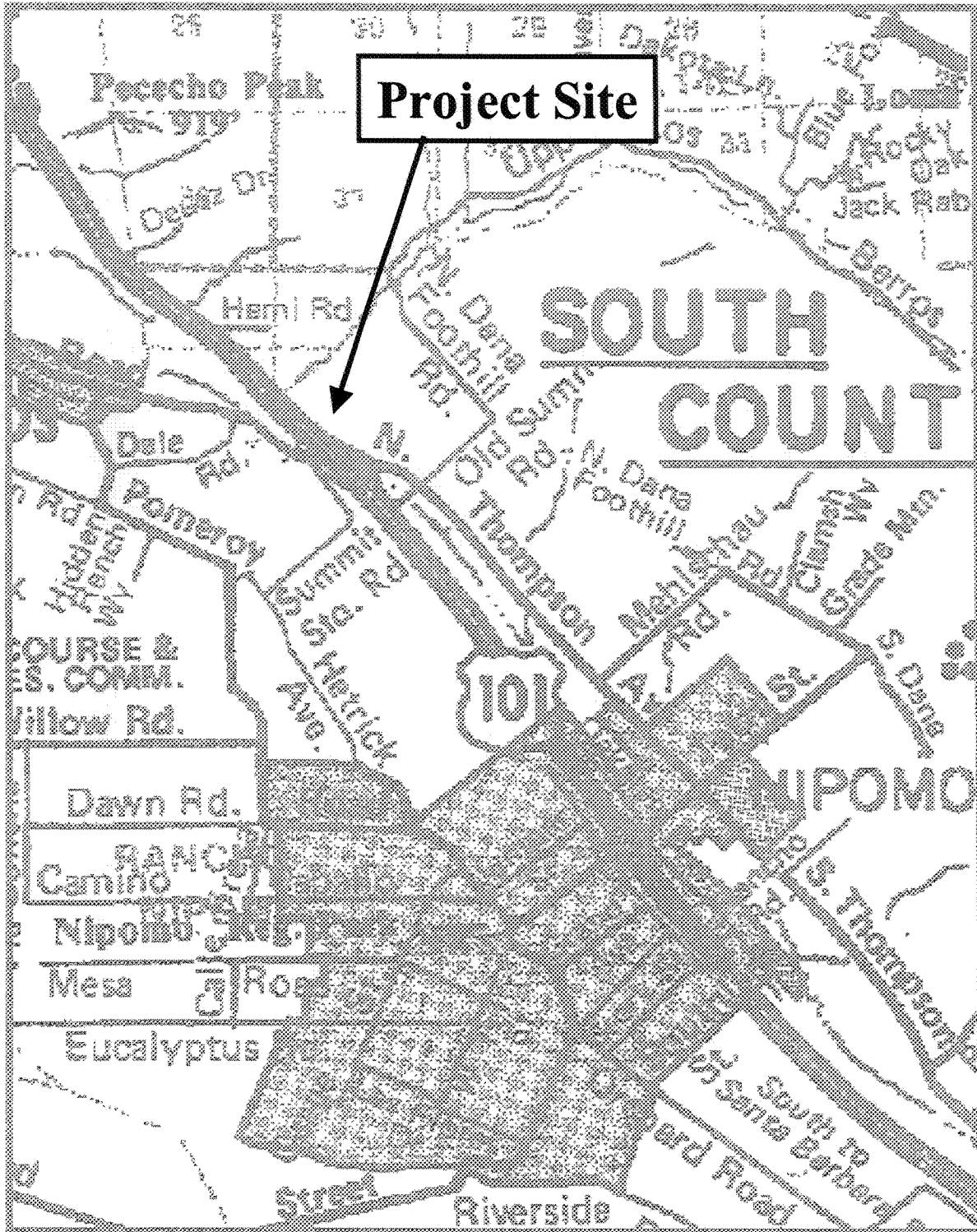
Purpose

- a. To provide for residential development at a low density compatible with a rural character and life-style which maintains the character of the open countryside and is compatible with surrounding agricultural uses.
- b. To allow limited, compatible non-residential uses commensurate with rural parcel sizes.
- c. To emphasize residential uses in areas where agriculture is clearly a secondary use, or where agriculture is not feasible yet large open space areas are maintained as part of a residential life-style.
- d. To encourage agricultural and other open space uses as part-time or incidental "hobby" activities, such as horse raising or specialty farming.

Character

- a. Areas of existing small-acreage parcels no more than three miles from urban reserve lines that are not commercially viable for agriculture, where the average parcel size within any contiguous area is below 19 acres.
- b. Areas that are outside of urban and village areas and connected to them by county-maintained roads, although exceptions may be observed for existing older subdivided areas.
- c. Areas with slopes generally less than 30%.
- d. Areas with marginal agricultural soils.
- e. Areas with a rural landscape high in visual quality (for example, woodlands, hills, rock formations, existing agriculture and ag accessory buildings) where clustering of allowed densities to less sensitive portions of a site is encouraged to be required through planning area standards.
- f. Areas generally free of fragile natural resources.
- g. Areas where growth will not be premature with respect to utility and public service capacities, or in conflict with agricultural, commercial, or industrial uses. Light agricultural uses are to be encouraged.
- h. Areas where horses and other similar farm animals are allowed accessory to residential uses.
- i. Areas where public services demands are limited, septic tanks and individual wells can suffice for required water and sewer capability.

2-16



Sejera Land Use Ordinance
Amendment G030009M



Vicinity Map

2-17



**COUNTY OF SAN LUIS OBISPO
INITIAL STUDY SUMMARY - ENVIRONMENTAL CHECKLIST**

Project Title & No. Sejera Land Use Ordinance Amendment ED04-052; GO30009F

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED: The proposed project could have a "Potentially Significant Impact" for at least one of the environmental factors checked below. Please refer to the attached pages for discussion on mitigation measures or project revisions to either reduce these impacts to less than significant levels or require further study.

<input checked="" type="checkbox"/> Aesthetics	<input type="checkbox"/> Geology and Soils	<input checked="" type="checkbox"/> Recreation
<input checked="" type="checkbox"/> Agricultural Resources	<input checked="" type="checkbox"/> Hazards/Hazardous Materials	<input checked="" type="checkbox"/> Transportation/Circulation.
<input type="checkbox"/> Air Quality	<input checked="" type="checkbox"/> Noise	<input checked="" type="checkbox"/> Wastewater
<input checked="" type="checkbox"/> Biological Resources	<input type="checkbox"/> Population/Housing	<input checked="" type="checkbox"/> Water
<input checked="" type="checkbox"/> Cultural Resources	<input checked="" type="checkbox"/> Public Services/Utilities	<input checked="" type="checkbox"/> Land Use

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation, the Environmental Coordinator finds that:

- ☐ The proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- ☒ Although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- ☐ The proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- ☐ The proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- ☐ Although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Brian Pedrotti
Prepared by (Print)

Brian Pedrotti
Signature

3/18/05
Date

Steven McManis
Reviewed by (Print)

Steven McManis
Signature

Ellen Carroll,
Environmental Coordinator
(for) 3/7/05
Date

2-18

Project Environmental Analysis

The County's environmental review process incorporates all of the requirements for completing the Initial Study as required by the California Environmental Quality Act (CEQA) and the CEQA Guidelines. The Initial Study includes staff's on-site inspection of the project site and surroundings and a detailed review of the information in the file for the project. In addition, available background information is reviewed for each project. Relevant information regarding soil types and characteristics, geologic information, significant vegetation and/or wildlife resources, water availability, wastewater disposal services, existing land uses and surrounding land use categories and other information relevant to the environmental review process are evaluated for each project. Exhibit A includes the references used, as well as the agencies or groups that were contacted as a part of the Initial Study. The Environmental Division uses the checklist to summarize the results of the research accomplished during the initial environmental review of the project.

Persons, agencies or organizations interested in obtaining more information regarding the environmental review process for a project should contact the County of San Luis Obispo Environmental Division, Rm. 310, County Government Center, San Luis Obispo, CA, 93408-2040 or call (805) 781-5600.

A. PROJECT

DESCRIPTION: Request by Caroline Sejera for 1) an amendment to the South County (Inland) Area Plan of the Land Use Element by changing the land use category on an approximately 1.5-acre portion of a 30-acre parcel from Agriculture to Residential Rural, and 2) an amendment to the the Agriculture and Open Space Element land use map by changing the land use designation from Agriculture to Small Lot Rural. The site is located on the east side of Highway 101, approximately 1,400 feet north of the Los Berros/Thompson Road highway interchange. The site is in the South County (Inland) planning area.

ASSESSOR PARCEL NUMBER(S): 090-042-017

SUPERVISORIAL DISTRICT # 4

B. EXISTING SETTING

PLANNING AREA: South County (Inland), Rural

LAND USE CATEGORY: Agriculture , Residential Rural

COMBINING DESIGNATION(S): None

EXISTING USES: Undeveloped

TOPOGRAPHY: Gently sloping to steeply sloping

VEGETATION: Oak woodland , forbs

PARCEL SIZE: 1.5 acre portion of a 30-acre parcel

SURROUNDING LAND USE CATEGORIES AND USES:

<i>North:</i> Agriculture; row crop production	<i>East:</i> Residential Rural; rural residential
<i>South:</i> Residential Rural; Highway 101	<i>West:</i> Agriculture; rural residential

2-19

C. ENVIRONMENTAL ANALYSIS

During the Initial Study process, several issues were identified as having potentially significant environmental effects (see following Initial Study). Those potentially significant items associated with the proposed uses can be minimized to less than significant levels.

COUNTY OF SAN LUIS OBISPO INITIAL STUDY CHECKLIST

1.	AESTHETICS - Will the project:	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a)	Create an aesthetically incompatible site open to public view?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b)	Introduce a use within a scenic view open to public view?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c)	Change the visual character of an area?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d)	Create glare or night lighting which may affect surrounding areas?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e)	Impact unique geological or physical features?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f)	Other _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The property within the Agriculture designation can be characterized as moderately sloping. The property is along a very prominent portion of Highway 101, and can be viewed traveling southbound on the highway. The surrounding areas contain mainly rural elements with oak trees and scattered residences.

Impact. Development will result in the permanent alteration in the appearance of the 1.5-acre site from vantage points along Highway 101. The intent of the proposed land use category change is to facilitate residential development on the larger parent parcel of approximately 30 acres. Residential uses will also likely generate light and glare impacts onto areas adjacent to the project site.

Mitigation/Conclusion. In order to maintain scenic views and the rural character along Highway 101, visual mitigation will include restricting the location of new residential development, including all access roads, to the least visible portion of the site. The applicant has agreed to complete a landscaping plan for each new future residence to show how landscaping and/ or retention of existing trees will screen structures from Highway 101. Landscaping should be primarily the retention of existing trees, and where necessary, faster growing evergreen shrubs and trees to preserve this rural character. Where possible, tree species should be native to the area. Such landscaping or retention of trees could also substantially reduce the direct light and glare from new residences. In addition, architectural elevations for each new residence showing colors and materials will be required. Building colors and materials shall blend with surrounding natural colors and/or screen the building from view.

2-20

2. AGRICULTURAL RESOURCES

- Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Convert prime agricultural land to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Impair agricultural use of other property or result in conversion to other uses?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Conflict with existing zoning or Williamson Act program?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Other _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The soil types include: Chamise shaly loam (9-30%), rock outcrop-Lithic Haploxerolls complex (30-75%), and Still gravelly sandy clay loam (0-2%).

As described in the NRCS Soil Survey, the "non-irrigated" soil class is "III" to "VIII", and the "irrigated" soil class is "II" to "VI".

Impact. The project site has not historically been used for agricultural production. The existing soil is well suited for row crop production, however, because of the limited amount and distribution of the soil, agriculture production would not appear to be feasible on the project site. The adjacent lands to the northwest are currently used for row crop production. The residential development that could result from the proposed general plan amendment may be incompatible and impact adjacent agricultural uses to the northwest.

The proposed project was referred to the Agricultural Commissioner's Office to determine what potential impact the proposed project might have on agricultural resources. The Ag Commissioner concluded that the proposed general plan amendment was consistent with the Agriculture and Open Space Element because of the limited acreage involved and the use of agricultural buffers for future habitable structures (see attached letter dated April 8, 2004).

Mitigation/Conclusion. The applicant has agreed to mitigation measures to reduce the potential impact to agricultural resources to a level of insignificance. These include a planning area standard that proposed land divisions shall incorporate agriculture buffers of between 200 to 500 feet, as well as disclosure to purchasers of proposed parcels concerning the nature of the neighboring agricultural activities and hours of operation, and the County's Right to Farm Ordinance.

3. AIR QUALITY - Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Violate any state or federal ambient air quality standard, or exceed air quality emission thresholds as established by County Air Pollution Control District?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

2.21

3. **AIR QUALITY - Will the project:**

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
b) <i>Expose any sensitive receptor to substantial air pollutant concentrations?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Create or subject individuals to objectionable odors?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Be inconsistent with the District's Clean Air Plan?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Other</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. Potential future residential development will generate additional vehicle trips. Future grading for development will result in both short-term vehicle emissions and the creation of dust during construction. The project site is located in the South County Air Quality Mitigation (SCAQM) fee area. Each new residence(s) will be subject to the South County Air Quality Mitigation fee, which is intended to partially mitigate the cumulative effects of new residential development within the South County planning area. This program funds several strategies within the South County to improve air quality and reduce single-occupant vehicles, by: attracting transit ridership through regional bus stop improvements, encouraging carpooling through park-and-ride lot improvements and ridesharing advertising, promoting the use of bicycles through bike lane installation, reducing dust through limited road paving of several unpaved roads, and by providing electronic information/services locally to reduce vehicle trip lengths.

In 1994, the South County Area Plan was adopted and associated EIR certified. A part of that analysis, a cumulative assessment of the buildout impacts of the planning area was completed, which included the ultimate breakdown of the subject property as is currently proposed. While cumulative impacts to air quality was identified in the EIR as potentially significant and unavoidable, the findings recognized that the existing cumulative air quality mitigation program, combined with a slight improvement over the previous Area Plan buildout would offset some of these impacts.

The project was referred to the Air Pollution Control District (APCD). The APCD Clean Air Plan includes land use management strategies to guide decisionmakers on land use approaches that result in improved air quality. This development is somewhat inconsistent with the "Planning Compact Communities" strategy, where increasing development densities within urban areas is preferable over increasing densities in rural areas. Increasing densities in rural areas results in longer single-occupant vehicle trips and increases emissions. In this instance, this partial inconsistency is not considered significant for the following reasons: 1) the proposed density of this project is still consistent with what was assumed in the last update of the Clean Air Plan which, based in part on this density, approved the necessary control measures to achieve acceptable air quality attainment in the future; and 2) standard forecast modeling (e.g., ARB URBEMIS2001) identifies that vehicles in the near future will produce substantially lower emissions (e.g., use of electric, hybrid and advanced technology vehicles). Based on the above discussion, given the smaller number of potential new residences, both individual and cumulative impacts are expected to be less than significant as it relates to the Clean Air Plan land use strategies.

Impact. As proposed, the project will result in the future disturbance of an unknown amount of land for future residential development. This will result in the creation of construction dust, as well as

2.27

short- and long-term vehicle emissions. Based on Table 1-1 of the CEQA Air Quality Handbook, the project will result in less than 10 lbs./day of pollutants, which is below thresholds warranting any mitigation. The project is consistent with the general level of development anticipated and projected in the Clean Air Plan. No significant air quality impacts are expected to occur.

Mitigation/Conclusion. No additional mitigation measures are necessary.

4. BIOLOGICAL RESOURCES - <i>Will the project:</i>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Result in a loss of unique or special status species or their habitats?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) <i>Reduce the extent, diversity or quality of native or other important vegetation?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) <i>Impact wetland or riparian habitat?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Introduce barriers to movement of resident or migratory fish or wildlife species, or factors which could hinder the normal activities of wildlife?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Other</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The following habitats were observed on the proposed project: Grasses Based on the latest California Diversity database and other biological references, the following species or sensitive habitats were identified:

Plants: Wells's Manzanita and Sand Mesa Manzanita.

Wildlife: California Red Legged Frog and Dune Larkspur

Habitats: Potential Pismo Clarkia habitat on property. Within the Santa Barbara vernal pool region.

Impact. A Biological Screening Report was prepared for the site (Jenesis, 2003). The report identified that the site may support a number of sensitive native vegetation, significant wildlife habitats, or special status species, including Pismo clarkia, Santa Lucia manzanita, Pecho manzanita, Santa Margarita manzanita, Sand Mesa Manzanita, Cambria morning glory, Obispo Indian paintbrush, leafy tarplant, black-flowered figwort, coast live oaks, and nesting migratory birds.

Mitigation/Conclusion. The applicant has agreed to conduct a comprehensive biological survey report prepared by a County approved biologist to determine the existence of sensitive species on the site, including California Red-Legged Frog, rare plants, and coast live oaks. In the event that sensitive species are found on the site, the applicant has agreed to full avoidance of any construction, grading, or vegetation removal activities where those resources are found. The mitigation measures will reduce the potential impact to biological resources to a level of insignificance.

2-23

5. CULTURAL RESOURCES -
Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Disturb pre-historic resources?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Disturb historic resources?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Disturb paleontological resources?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Other _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The project is located in an area historically occupied by the Obispeno Chumash. No historic structures are present and no paleontological resources are known to exist in the area.

Impact. A Phase One Archaeological Surface Survey was conducted to determine the potential for cultural resources on the site (Gibson; September 2003). No evidence of cultural materials was noted on the project site. Based on the negative findings of the report, impacts to cultural resources are unlikely to occur as a result of the proposed project.

Mitigation/Conclusion. In the event subsurface archaeological resources are discovered during construction, the applicant has agreed to halt work pursuant to Section 22.10.040 of the County Land Use Ordinance. Based on the above discussion and anticipated absence of cultural materials, no additional mitigation measures are necessary.

6. GEOLOGY AND SOILS -
Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Result in exposure to or production of unstable earth conditions, such as landslides, earthquakes, liquefaction, ground failure, land subsidence or other similar hazards?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Be within a CA Dept. of Mines & Geology Earthquake Fault Zone (formerly Alquist Priolo)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Result in soil erosion, topographic changes, loss of topsoil or unstable soil conditions from project-related improvements, such as vegetation removal, grading, excavation, or fill?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Change rates of soil absorption, or amount or direction of surface runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Include structures located on expansive soils?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

2-24

6. GEOLOGY AND SOILS -
Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
f) <i>Change the drainage patterns where substantial on- or off-site sedimentation/ erosion or flooding may occur?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) <i>Involve activities within the 100-year flood zone?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h) <i>Be inconsistent with the goals and policies of the County's Safety Element relating to Geologic and Seismic Hazards?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i) <i>Preclude the future extraction of valuable mineral resources?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
j) <i>Other _____</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. GEOLOGY - The topography of the project is gently sloping to steeply sloping. The area proposed for development is outside of the Geologic Study Area designation. The landslide risk potential is considered low to moderate. The liquefaction potential during a ground-shaking event is considered low to high. A potentially capable fault is known to exist on the subject property. The project is not within a known area containing serpentine or ultramafic rock or soils.

DRAINAGE - The area proposed for development is outside the 100-year Flood Hazard designation. The closest creek from the proposed development is approximately 508 feet to the north. As described in the NRCS Soil Survey, the soil is considered not well to moderately drained.

SEDIMENTATION AND EROSION - The soil types include: Chamise shaly loam (9-30%), rock outcrop-Lithic Haploxerolls complex (30-75%), and Still gravelly sandy clay loam (0-2%)

As described in the NRCS Soil Survey, the soil surface is considered to have low to moderate erodibility, and low to moderate shrink-swell characteristics.

Impact. As proposed, the project will result in the future disturbance of an unknown amount of ground for future residential development. Onsite erosion and sedimentation may occur during future grading activities, resulting in a potentially significant impact.

Mitigation/Conclusion. To mitigate for potential erosion and sedimentation impacts, the applicant has agreed to submit and implement an erosion and sedimentation control plan pursuant to Section 22.52.090 of the County Land Use Ordinance with future land division applications. Implementation of this plan would reduce potential impacts to less than significant.

7. HAZARDS & HAZARDOUS MATERIALS - Will the project:

Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
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2-25

7. HAZARDS & HAZARDOUS MATERIALS - Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Result in a risk of explosion or release of hazardous substances (e.g. oil, pesticides, chemicals, radiation) or exposure of people to hazardous substances?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Interfere with an emergency response or evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Expose people to safety risk associated with airport flight pattern?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Increase fire hazard risk or expose people or structures to high fire hazard conditions?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Create any other health hazard or potential hazard?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) Other _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The project is not located in an area of known hazardous material contamination. The project is within a moderate severity risk area for fire. The project is not within the Airport Review area.

Impact. The project does not propose the use of hazardous materials. Hazardous materials may be used in the operation of the adjacent agricultural operations, such as pesticides and fertilizers. The project does not present a significant fire safety risk. The project is not expected to conflict with any regional evacuation plan. CDF identified the need for secondary access as required by the Public Resources Code to be developed to avoid the creation of a long dead-end access to the project site.

Mitigation/Conclusion. To minimize the fire hazard risk and exposure of people to fire hazard conditions, the applicant will be required to provide a planning area standard stating that secondary access will be required for future land division applications. The applicant has agreed to agricultural buffers to mitigate potential impacts from adjacent agricultural operations. The mitigation measures will reduce the potential impact to a level of insignificance.

8. NOISE - Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Expose people to noise levels which exceed the County Noise Element thresholds?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Generate increases in the ambient noise levels for adjoining areas?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

2-26

8. NOISE - Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
c) <i>Expose people to severe noise or vibration?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Other</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting/Impact. The property is along a very prominent portion of Highway 101, and future residential development may be impacted by noise generated from this stationary noise source. Portions of the property may be within the area above the maximum acceptable noise levels defined in the County Noise Element. An acoustical study was conducted to determine the potential for noise impacts on the site (Lord; December 2003). The survey identified

Mitigation/Conclusion. To minimize the potential noise impacts from the adjacent Highway 101, the applicant has agreed to a planning area standard that requires a noise report prepared by a County approved acoustical consultant to determine the existing and future noise levels on the site. The applicant has agreed to building setbacks that will restrict residential development outside of the 60 decibel or above noise contour. The mitigation measures will reduce the potential impact to a level of insignificance.

9. POPULATION/HOUSING - Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Induce substantial growth in an area either directly or indirectly (e.g., through projects in an undeveloped area or extension of major infrastructure)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Displace existing housing or people, requiring construction of replacement housing elsewhere?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Create the need for substantial new housing in the area?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Use substantial amount of fuel or energy?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Other</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. In its efforts to provide for affordable housing, the county currently administers a Community Development Block Grant Program, which provides grants to projects relating to affordable housing throughout the county.

Impact. The project would allow for the future development of up to 5-7 new residences, and will not result in a need for a significant amount of new housing, and will not displace existing housing.

2-27

Mitigation/Conclusion. No significant population and housing impacts are anticipated, and no mitigation measures are necessary.

10. PUBLIC SERVICES/UTILITIES - <i>Will the project have an effect upon, or result in the need for new or altered public services in any of the following areas:</i>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Fire protection?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) <i>Police protection (e.g., Sheriff, CHP)?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) <i>Schools?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) <i>Roads?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) <i>Solid Wastes?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) <i>Other public facilities?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) <i>Other</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The project area is served by the County Sheriff's Department and CDF/County Fire as the primary emergency responders. The closest CDF fire station (Nipomo) is approximately 3.3 miles to the south. The closest Sheriff substation is in Oceano, which is approximately 7.6 miles from the proposed project. The project is located in the Lucia Mar Unified School District.

Impact. The project direct and cumulative impacts are within the general assumptions of allowed use for the subject property that was used to estimate the fees in place.

Mitigation/Conclusion. Public facility and school fee programs have been adopted to address the project's direct and cumulative impacts, and will reduce the impacts to less than significant levels.

11. RECREATION - Will the project:	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Increase the use or demand for parks or other recreation opportunities?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) <i>Affect the access to trails, parks or other recreation opportunities?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Other</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The County Trails Plan shows that a potential trail does not go through the proposed project. The project is not proposed in a location that will affect any trail, park or other recreational resource.

Prior to map recordation for any future subdivisions, county ordinance requires the payment of a fee (Quimby) for the improvement or development of neighborhood or community parks.

Impact. The proposed project will not create a significant need for additional park or recreational

2-28

resources.

Mitigation/Conclusion. The "Quimby" fee associated with any future residential development will adequately mitigate the project's impact on recreational facilities. No significant recreation impacts are anticipated, and no mitigation measures are necessary.

**12. TRANSPORTATION/
CIRCULATION - Will the project:**

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Increase vehicle trips to local or areawide circulation system?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Reduce existing "Levels of Service" on public roadway(s)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Create unsafe conditions on public roadways (e.g., limited access, design features, sight distance, slow vehicles)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Provide for adequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Result in inadequate parking capacity?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Result in inadequate internal traffic circulation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., pedestrian access, bus turnouts, bicycle racks, etc.)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h) Result in a change in air traffic patterns that may result in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i) Other _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. Future development will access onto the following public road(s): Cimarron Way. The identified roadway is operating at acceptable levels. Referrals were sent to Public Works/Caltrans.

Impact. The proposed project is to change the land use category on a 1.5-acre portion of a 30-acre parent parcel. The project itself will generate a minimal amount of traffic, but will provide the ability for future subdivision that is estimated to generate between 50 and 70 trips per day, based on the Institute of Traffic Engineer's manual of 10/unit. This small amount of additional traffic will not result in a significant change to the existing road service levels or traffic safety. County Public Works identified the need for secondary access to be developed to avoid the creation of a long dead-end access to the project site.

Mitigation/Conclusion. To minimize impacts to transportation and circulation associated with safety

2-21

in the vicinity, the applicant will be required to provide a planning area standard stating that secondary access will be required for future land division applications. The mitigation measures will reduce the potential impact to a level of insignificance.

13. WASTEWATER - Will the project:	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Violate waste discharge requirements or Central Coast Basin Plan criteria for wastewater systems?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Change the quality of surface or ground water (e.g., nitrogen-loading, daylighting)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Adversely affect community wastewater service provider?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Other</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. As described in the NRCS Soil Survey (see Geology section for soil types), the main limitations for on-site wastewater systems relates to: poor filtering characteristics, slow percolation and/or steep slopes,. These limitations are summarized as follows:

Poor Filtering Characteristics – due to the very permeable soil; without special engineering, larger separations will be required between the leach lines and the groundwater basin to provide adequate filtering of the effluent; to achieve compliance with the Central Coast Basin Plan, depth to groundwater information will need to be provided at the building permit stage.

Steep Slopes – where portions of the soil unit contain slopes steep enough to result in potential daylighting of wastewater effluent. To comply with the Central Coast Basin Plan, additional information is needed prior to issuance of a building permit, such as slope comparison with leach line depths, to show that there is no potential of effluent “daylighting” to the ground surface.

Slow Percolation – is where fluid percolates too slowly through the soil for the natural processes to effectively break down the effluent into harmless components. The Basin Plan identifies the percolation rate should be less than 120 minutes per inch. To achieve compliance with the Central Coast Basin Plan, additional information will be needed prior to issuance of a building permit that shows the leach area can adequately percolate to achieve this threshold.

Impact. The project proposes to use on-site systems as its means to dispose wastewater. County Environmental Health has reviewed the project and determined that the area has very poor soils for on-site septic systems due to very slow percolation rates.

Mitigation/Conclusion. At the time of future land division applications, a letter will be required from County Environmental Health indicating that preliminary evidence exists on-site to support septic systems. Septic systems will be evaluated in greater detail to insure compliance with the Central Coast Basin Plan for any constraints listed above, and will not be approved if Basin Plan criteria cannot be met. Soil borings at each proposed leach line location showing adequate separation shall be submitted.

2.30

14. WATER - Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Violate any water quality standards?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Discharge into surface waters or otherwise alter surface water quality (e.g., turbidity, temperature, dissolved oxygen, etc.)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Change the quality of groundwater (e.g., saltwater intrusion, nitrogen-loading, etc.)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Change the quantity or movement of available surface or ground water?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Adversely affect community water service provider?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Other _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The project proposes to use on-site wells as its water source. County Environmental Health has reviewed the project and determined that the area has limited water supply potential.

The topography of the project is nearly level. The closest creek from the proposed development is approximately 508 feet away. As described in the NRCS Soil Survey, the soil surface is considered to have low to moderate erodibility.

Impact. As proposed, the project will result in the disturbance of an unknown amount of acreage. Based on the project description of changing the land use category on a 1.5-acre portion of a 30-acre parent parcel, as shown below, a reasonable "worst case" indoor water usage would likely be between 5.9 acre feet/year (AFY) and 8.26 acre feet/year (AFY) given that the proposed project may spur a future subdivision of 5-7 lots on the parent 30-acre parcel.

5-7 residential lots (w/primary (0.85 afy) & secondary (0.33 afy) X 5-7 lots) = 5.9 to 8.26 afy
Source: "City of Santa Barbara Water Demand Factor & Conservation Study "User Guide" (Aug., 1989)

The project proposes to use on-site wells as its water source. County Environmental Health has reviewed the project and determined that the area has limited water supply potential. Well pump tests will be required with future subdivisions to determine the availability of water for future residential development.

Mitigation/Conclusion. At the time of future land division applications, the applicant has agreed to provide well pump tests on individual lots to determine the availability of water for future residential development for review and approval from the County Environmental Health Department. The applicant shall provide a letter from County Environmental Health indicating that preliminary evidence of water supply exists on-site.

15. LAND USE - Will the project:

Inconsistent Potentially Inconsistent Consistent Not Applicable

2-31

15. LAND USE - Will the project:

	Inconsistent	Potentially Inconsistent	Consistent	Not Applicable
a) <i>Be potentially inconsistent with land use, policy/regulation (e.g., general plan [county land use element and ordinance], local coastal plan, specific plan, Clean Air Plan, etc.) adopted to avoid or mitigate for environmental effects?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Be potentially inconsistent with any habitat or community conservation plan?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Be potentially inconsistent with adopted agency environmental plans or policies with jurisdiction over the project?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Be potentially incompatible with surrounding land uses?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) <i>Other</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting/Impact. Surrounding uses are identified on Page 2 of the Initial Study. The proposed project was reviewed for consistency with policy and/or regulatory documents relating to the environment and appropriate land use (e.g., County Land Use Ordinance, Local Coastal Plan, etc.). Referrals were sent to outside agencies to review for policy consistencies (e.g., CDF for Fire Code, APCD for Clean Air Plan, etc.). The project was found to be consistent with these documents (refer also to Exhibit A on reference documents used).

The project is not within or adjacent to a Habitat Conservation Plan area. The project is consistent or compatible with the surrounding uses as summarized on page 2 of this Initial Study with the addition of agricultural buffers during the land subdivision process.

Mitigation/conclusion. The applicant has agreed to mitigation measures to reduce the potential impact to agricultural resources on adjacent property to a level of insignificance. These include a planning area standard that proposed land divisions shall incorporate agriculture buffers, as well as disclosure to purchasers of proposed parcels concerning the nature of the neighboring agricultural activities and hours of operation, and the County's Right to Farm Ordinance.

16. MANDATORY FINDINGS OF SIGNIFICANCE - Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number</i>				

2-32

or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?

☐☒☐☐

- b) Have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current project's, and the effects of probable future projects)

☐☒☐☐

- c) Have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

☐☐☒☐

For further information on CEQA or the county's environmental review process, please visit the County's web site at "www.sloplanning.org" under "Environmental Review", or the California Environmental Resources Evaluation System at "http://ceres.ca.gov/topic/env_law/ ceqa/ guidelines/" for information about the California Environmental Quality Act.

2-33

Exhibit A - Initial Study References and Agency Contacts

The County Planning or Environmental Division have contacted various agencies for their comments on the proposed project. With respect to the subject application, the following have been contacted (marked with an ☒) and when a response was made, it is either attached or in the application file:

<u>Contacted</u>	<u>Agency</u>	<u>Response</u>
<input checked="" type="checkbox"/>	County Public Works Department	Attached
<input checked="" type="checkbox"/>	County Environmental Health Division	Attached
<input checked="" type="checkbox"/>	County Agricultural Commissioner's Office	Attached
<input type="checkbox"/>	County Airport Manager	Not Applicable
<input type="checkbox"/>	Airport Land Use Commission	Not Applicable
<input checked="" type="checkbox"/>	Air Pollution Control District	Attached
<input type="checkbox"/>	County Sheriff's Department	Not Applicable
<input type="checkbox"/>	Regional Water Quality Control Board	Not Applicable
<input type="checkbox"/>	CA Coastal Commission	Not Applicable
<input type="checkbox"/>	CA Department of Fish and Game	Not Applicable
<input type="checkbox"/>	CA Department of Forestry	Not Applicable
<input checked="" type="checkbox"/>	CA Department of Transportation	None
<input checked="" type="checkbox"/>	Nipomo Community Service District	None
<input checked="" type="checkbox"/>	Other <u>County Parks and Recreation</u>	In File**
<input checked="" type="checkbox"/>	Other <u>Lucia Mar School District</u>	None

** "No comment" or "No concerns"-type responses are usually not attached

The following checked ("☒") reference materials have been used in the environmental review for the proposed project and are hereby incorporated by reference into the Initial Study. The following information is available at the County Planning and Building Department.

<input checked="" type="checkbox"/> Project File for the Subject Application	<input checked="" type="checkbox"/> South County (Inland) Area Plan and Update EIR
<u>County documents</u>	<input type="checkbox"/> Circulation Study
<input type="checkbox"/> Airport Land Use Plans	<u>Other documents</u>
<input checked="" type="checkbox"/> Annual Resource Summary Report	<input checked="" type="checkbox"/> Archaeological Resources Map
<input type="checkbox"/> Building and Construction Ordinance	<input checked="" type="checkbox"/> Area of Critical Concerns Map
<input type="checkbox"/> Coastal Policies	<input checked="" type="checkbox"/> Areas of Special Biological Importance Map
<input checked="" type="checkbox"/> Framework for Planning (Coastal & Inland)	<input checked="" type="checkbox"/> California Natural Species Diversity Database
<input checked="" type="checkbox"/> General Plan (Inland & Coastal), including all maps & elements; more pertinent elements considered include:	<input checked="" type="checkbox"/> Clean Air Plan
<input checked="" type="checkbox"/> Agriculture & Open Space Element	<input checked="" type="checkbox"/> Fire Hazard Severity Map
<input checked="" type="checkbox"/> Energy Element	<input checked="" type="checkbox"/> Flood Hazard Maps
<input checked="" type="checkbox"/> Environment Plan (Conservation, Historic and Esthetic Elements)	<input checked="" type="checkbox"/> Natural Resources Conservation Service Soil Survey for SLO County
<input checked="" type="checkbox"/> Housing Element	<input checked="" type="checkbox"/> Regional Transportation Plan
<input checked="" type="checkbox"/> Noise Element	<input checked="" type="checkbox"/> Uniform Fire Code
<input checked="" type="checkbox"/> Parks & Recreation Element	<input checked="" type="checkbox"/> Water Quality Control Plan (Central Coast Basin - Region 3)
<input checked="" type="checkbox"/> Safety Element	<input checked="" type="checkbox"/> GIS mapping layers (e.g., habitat, streams, contours, etc.)
<input checked="" type="checkbox"/> Land Use Ordinance	<input type="checkbox"/> Other _____
<input type="checkbox"/> Real Property Division Ordinance	
<input type="checkbox"/> Trails Plan	
<input type="checkbox"/> Solid Waste Management Plan	

2-34

In addition, the following project specific information and/or reference materials have been considered as a part of the Initial Study:

Gibson, Robert. September 25, 2003. *Results of Phase One Archaeological Surface Survey and Archival Record Search for the Hernandez 30 Acre Parcel (APN #090-042-017) NW of Thompson Road and East of Highway 101, San Luis Obispo County, CA.*

Jenesis Ecological Services. November 2003. *Biological Screening Report.*

Lord, David Ph.D. December 3, 2003. *Noise Measurement, Analysis, and Mitigation Recommendations, Hernandez Tract, Nipomo, for Proposed Residential Development, Nipomo, County of San Luis Obispo, California.*

Exhibit B - Mitigation Summary Table**Aesthetics**

- VS-1 **At the time of land division application**, the applicant shall clearly delineate the building control lines on the project plans. The building control lines shall be located in the least visible portion of the site consistent with the protection of other resources. All new residential development shall be located within the building control lines.
- VS-2 **At the time of construction applications**, the applicant shall submit architectural elevations of all proposed structures to the Department of Planning and Building for review and approval in consultation with the Environmental Coordinator. The elevations shall show exterior finish materials, colors, and height above the existing natural ground surface. Colors shall minimize the structure massing of new development by reducing the contrast between the proposed development and the surrounding environment. Colors shall be compatible with the natural colors of the surrounding environment, including vegetation, rock outcrops, etc.. Darker, non-reflective, earth tone colors shall be selected for walls, chimneys etc. and darker green, grey, slate blue, or brown colors for the roof structures. All structures shall have a maximum building height of 25 feet above natural grade.
- VS-3 **At the time of construction applications**, the applicant shall submit a landscaping plan for each new future residence to show how landscaping and/or retention of existing trees will screen structures from Highway 101. Landscaping shall be primarily retention of existing trees, and where necessary, faster growing evergreen shrubs and trees to preserve the rural character.

Agriculture

- AG-1 **Prior to transfer of the parcels created by future subdivisions**, the applicant shall disclose to prospective buyers, of all parcels created by the future proposal, the consequences of existing and potential intensive agricultural operations on adjacent parcels including, but not limited to: dust, noise, odors and agricultural chemicals and the county's Right to Farm and Leash ordinances currently in effect at the time said deed(s) are recorded.
- AG-2 The design of the proposed land division shall incorporate agriculture buffers within a range of 200 to 500 feet and site design consistent with the County's Agriculture and Open Space Element. Future subdivision applications shall be referred to the County Department of Agriculture for review and recommendation of the specific agriculture buffer required.

Biological Resources

- BR-1 **At the time of land division application**, the applicant shall submit a comprehensive botanical survey report prepared by a County approved biologist, in compliance with CDFG guidelines, and conducted during the flowering period. The report shall include survey findings, a map showing the location of any sensitive and special-status plant species. The design of the proposed land division shall provide for full avoidance of any sensitive and special-status species, including prohibiting any construction, grading, or vegetation removal activities where those resources are found.

2-36

Hazards

- H-1 **At the time of land division application**, the applicant will comply with all necessary requirements of CDF for the project site.

Noise

- N-1 **At the time of land division application**, the applicant shall clearly delineate the building control lines on the project plans. The building control lines shall be located outside of the 60 dbA or less areas. All new residential development shall be located within the building control lines.

Wastewater

- WW-1 **At the time of land division application**, a letter will be required from County Environmental Health indicating that preliminary evidence exists on-site to support septic systems.
- WW-2 **At the time of land division application**, soil borings at each proposed leach line location showing adequate separation, or if inadequate separation, plans for an engineered wastewater system shall be submitted.

Water

- W-1 **At the time of land division application**, a letter will be required from County Environmental Health indicating that preliminary evidence of water supply exists on-site to support future residential development.

2-37

Exhibit H: Ag Comm. Comments



COUNTY OF SAN LUIS OBISPO


Department of Agriculture/Measurement Standards

2156 SIERRA WAY, SUITE A • SAN LUIS OBISPO, CALIFORNIA 93401-4556
ROBERT F. LILLEY (805) 781-5910
AGRICULTURAL COMMISSIONER/SEALER FAX (805) 781-1035

AgCommSLO@co.slo.ca.us

DATE: April 8, 2004

TO: Brian Pedrotti, Planner III

FROM: Lynda L. Auchinachie, Environmental Resource Specialist 

SUBJECT: Sejera General Plan Amendment G030009F

Executive Summary

The proposed general plan amendment is consistent with policy 24 of the Agriculture and Open Space Element because of the limited acreage involved and the use of agricultural buffers for future habitable structures.

The following report is in response to your request for comments on the proposed Sejera General Plan Amendment. The comments and recommendations in our report are based on agricultural policies in the San Luis Obispo County Agriculture and Open Space Element and current departmental goals to conserve agriculture resources and to provide for public health, safety and welfare while mitigating negative impacts of development to agriculture.

A. Project Description and Agricultural Setting

The applicant is requesting to change the Land Use Category on approximately 1.50 acres from Agriculture to Residential Rural to allow for future subdivision of the 30 acre parent parcel. The project site has not historically been used for agricultural production. The adjacent lands to the northwest are currently used for row crop production. The 1.50 acre project site consists of Class II irrigated/Class III non irrigated soil. It appears the current Agriculture land use designation is related to the location of the prime soil.

B. Evaluation of Agricultural Issues

Introduction

Our evaluation and comments concerning the general plan amendment authorization are in the context of consistency with the Agricultural Policy 24 of the Agriculture and Open Space Element concerning the conversion of Agricultural land. The criteria and procedures for

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Planning & Policy

2-38

incorporating Agricultural Policy 24 into the evaluation of general plan amendments proposals have not been codified. However, the policy language provides sufficient guidelines and criteria for the review of general plan amendment proposals. Both the agricultural capability of the subject property and impacts to adjacent agricultural lands are considered. Projects which lead to the conversion of land capable of production agriculture, or causes a direct or indirect impact to adjacent agricultural lands are not supported.

1. Agricultural Capability

The list of criteria from Agricultural Policy 24 concerning agricultural capability is as follow:

- ▶ the land does not meet the criteria for inclusion in the Agriculture designation in this plan of the Land Use Element; and
- ▶ agriculture production is not feasible due to some physical constraint (such as soil infertility, lack of water resource, disease) or surrounding incompatible land uses; and
- ▶ adjacent lands are already substantially developed with use that are incompatible with agricultural uses;

Land Use Designation

The land use designation map which accompanies the Agriculture and Open Space Element has this property mapped Agriculture. The primary reason for inclusion within the Agriculture designation appears to be the land capability of Class II irrigated/Class III non irrigated soil. The project site would meet the soil criteria for an Agriculture designation, however, because of the limited amount of Class II soil and existing parcel configuration, the project site would not appear to meet the overall criteria for inclusion in the Agriculture category.

Agricultural Resources

Class II irrigated soil is well suited for row crop production, however, because of the limited amount and distribution of the soil, agriculture production would not appear to be feasible on the project site.

Adjacent Land Use Pattern

The area to the northwest of the project site is designated as Agriculture and is currently used for row crop production. Scattered rural home sites, within the Residential Rural land use category, are located east and southeast of the site. Highway 101 is located to the southwest. The parent parcel of the project site is predominately within the Residential Rural land use category and consists of dense oak woodland. The applicant is requesting the land use change to allow for intensified residential development of the parent parcel.

2-39

2. Impacts to Adjacent Agricultural Lands

The criterion from Agricultural Policy 24 concerning impacts to adjacent agricultural lands is as follow:

- ▶ the conversion to non-agricultural use shall not adversely affect existing or potential agricultural production on surrounding lands that will remain designated Agriculture;

The residential development that could result from the proposed general plan amendment may be incompatible and impact adjacent agricultural uses to the northwest. The Agriculture and Open Space Element, Agricultural Policy 17: Agricultural Buffers, promotes the protection of land in the Agricultural designation and/or land with agricultural production using buffers in accordance with the agricultural buffer policy. There is significant existing irrigated row crop production adjacent to the project site. Buffer ranges for irrigated row crops range from 200 - 500 feet. Agricultural buffers and other mitigation measures will need to be determined by the Agriculture Department before any subdivision or future development of the parent parcel occurs.

If we can be of further assistance please call, 781-5914.